



FH
[REDACTED]

**STATE OF WISCONSIN
Division of Hearings and Appeals**

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

BCS/152016

PRELIMINARY RECITALS

Pursuant to a petition filed September 13, 2013, under Wis. Stat. § 49.45(5)(a), to review a decision by the Ozaukee County Department of Social Services in regard to Medical Assistance, a hearing was held on October 08, 2013, at Port Washington, Wisconsin.

There is no issue for determination.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street
Madison, Wisconsin 53703

By: Pahoua Vang

Ozaukee County Department of Social Services
121 W. Main Street
PO Box 994
Port Washington, WI 53074-0994

ADMINISTRATIVE LAW JUDGE:

Debra Bursinger
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Ozaukee County.
2. On July 13, 2013, the agency auto-updated the Petitioner's case to include her husband's Social Security Disability income in the amount of \$1,811/month and her son's Social Security of

Surviving Child income in the amount of \$905/month. The increased benefits were effective for September, 2013. The agency incorrectly updated the case for August, 2013.

3. On July 15, 2013, the agency issued a Notice of Decision denying BC+ benefits for the Petitioner and her husband effective August 1, 2013 and requiring a premium of \$82/month for the Petitioner's son effective August 1, 2013.
4. On September 17, 2013, the agency correctly updated the case to reflect a change in benefits effective September 1, 2013.
5. On September 18, 2013, the agency issued a Notice of Decision denying BC+ benefits for the Petitioner and her husband effective September 1, 2013.

DISCUSSION

The Petitioner disputed the termination of benefits effective August 1, 2013. The agency testified that it had incorrectly counted the increase in unearned income for August, 2013 instead of September when the increase took effect. The agency testified that the Petitioner and her husband were covered for August, 2013 and the termination of benefits is effective September 1, 2013.

Based on this change in the agency's determination, the Petitioner had no further dispute. Therefore, there is no longer an issue for determination.

CONCLUSIONS OF LAW

There is no issue for determination.

THEREFORE, it is

ORDERED

That the petition be, and hereby is, dismissed.

REQUEST FOR A REHEARING

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 1 West Wilson Street, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Milwaukee,
Wisconsin, this 8th day of October, 2013

\sDebra Bursinger
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on October 8, 2013.

Ozaukee County Department of Social Services
Division of Health Care Access and Accountability